IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 27894 of 1997

DATED: 14.3.2007

Between:

P.Ragina Daniel petitioner

And

BHPV School, Managing Committee
Rep by its Secretary & Correspondent,
BHPV Township, Visakapatnam-12 & another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 27894 OF 1997

ORAL ORDER:

This writ petition is filed seeking the following relief;

> "…..Mandamus declaring the inaction on the part of the respondents in extending the admissible higher scales on completion of 8/16/22 years w.e.f. the respective dates, taking into consideration the total unaided service into account and direct payment of difference of salary with interest.."

The petitioner claims that he joined the first respondent school on 14.8.1974 and the post occupied by him was admitted to grant in aid with effect from 1.11.1989. It is stated that the Government of A.P. issued instructions for extension of benefits on completion of 8/16 years of service in order to create the promotional avenues to prevent the stagnation. Thereafter the first respondent school issued an office order No. 495/97 dated 4.8.1997 extending next higher scale to aided and unaided staff ignoring the claims of petitioner and others who have completed eight years of service. The grievance of the petitioner is that he joined the first respondent school in the year 1974 and merely because his post was admitted to the grant in aid in the year 1989, his claim for higher scale cannot be ignored. The petitioner further alleges that his normal increment was due on 1.1.1990 and the same was delayed for about 20 months till 1.11.1990, resulting in disparity of

scales among similarly placed teachers. The petitioner alleges that he has made several representation, and no action was taken thereon. Hence, the present writ petition.

This Court by order dated 27-10-1997 while admitting the writ petition granted interim direction in W.P.M.P. No. 32495 of 1997 directing the respondents to consider the petitioner's case for extension of similar benefits that are extended to the aided as well as unaided staff of the first respondent school on completion of requisite service. It is unfortunate that though the writ petition was admitted and interim orders were granted as long as on 27-10-1997 and even after lapse of more than nine years, the respondents have not chosen to file a counter affidavit denying the writ averments. Hence, this Court has no option except to accept the averments made by the petitioner as true and correct and to hold that he is entitled to the relief claimed in the writ petition.

Accordingly, the writ petition is allowed. No costs.

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N.V.RAMANA,J

DATE: 14-3-2007

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